

REMARKS

Claims 1, 3, 4, 7, 9 through 13, and 17 through 24 are pending in this Application. Claims 5 and 6 have been cancelled without prejudice or disclaimer, claims 1, 7, and 9 through 13 have been amended, and new claims 18 through 24 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, ¶¶ [0019], [0020], [0025], [0031], [0032], [0034], and [0038] of the corresponding US Pub. No. 2005/0114891. Applicant submits that the present Amendment does not generate any new matter issue.

Telephone Interview of November 18, 2009.

Applicant expresses appreciation for the Examiner's courtesy in granting and conducting a telephonic interview on November 18, 2009. During the interview, the Examiner indicated that the present claim amendments would overcome the rejections of record. It is with that understanding that the present Amendment is submitted.

Claims 1, 3 through 5, 7 through 12, and 14 were rejected for obviousness under 35 U.S.C. §103(a) based on *Waki et al.* (US 7,194,758, "*Waki*") in view of *Orui* (US 6,565,437, "*Orui*") and further in view of *Trew* (US 5,936,661, "*Trew*").

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Waki*'s digital broadcasting system, by including *Orui*'s step of displaying on a mobile station information in the message to provide to the user information of said event, to allow a user to know which quiz answers as selected are corrected. The Examiner further concluded that that one having ordinary skill in the art would have been led to

modify whatever system and method can be said to have been reasonably suggested by the combined disclosures of *Waki* and *Orui* by including a step of *Trew* that displaying a broadcast TV program simultaneously with a quiz program, in order to enable a viewer of a TV program to take part in game shows while reducing the opportunities of cheating. This rejection is traversed.

Independent claims 1 and 7 recite, *inter alia*: “causing, at least in part, actions that result in transmission of at least one message from said network element via a cellular radio system to at least one of said mobile station and a TV apparatus in response to said event occurring in said at least one television program being broadcasted, said message either controlling said mobile station to transmit control signals generated from information included in said at least one message to said TV apparatus in order to control said TV apparatus to provide said user with information **of a person participating in** said event via said TV apparatus **as soon as the person enters the television program or as soon as the person achieves a goal in the television program**, or controlling said mobile station to display on a display of said mobile station the information included in said at least one message in order to provide said user with the information **of the person participating in** said event via said mobile station **as soon as the person enters the television program or as soon as the person achieves a goal in the television program.**”

It is apparent that the claimed inventions advantageously enable an event that occurs in a scene of a TV program (e.g., a person enters the program in ¶ [0019], the person achieves a goal in the television program in ¶ [0035], etc.) to trigger provision of information of the person participating in the program. In contrast, the “event” in *Waki* merely refers to “a program within the channel (col. 15, lines 23 and 24).” In particular, *Waki*’s event_id (eid) specifies, out of sets of program information contained in one EIT for one service, a set of program information that shows a broadcast starting time, a program duration, and other information for

one program (col. 15, lines 45 through 48). *Waki*'s events are essentially different from the events recited in the claims, such as a person enters the program, and the person achieves a goal in the television program

Orui and *Trew* fail to cure the above-discussed deficiencies of *Waki*. This is because they are conspicuously mute regarding the events recited in the claims, such as a person entering the program, and the person achieving a goal in the television program. Thus none of the applied references discloses or suggests "said message either controlling said mobile station to transmit control signals generated from information included in said at least one message to said TV apparatus in order to control said TV apparatus to provide said user with information **of a person participating in** said event via said TV apparatus **as soon as the person enters the television program or as soon as the person achieves a goal in the television program**, or controlling said mobile station to display on a display of said mobile station the information included in said at least one message in order to provide said user with the information **of the person participating in** said event via said mobile station **as soon as the person enters the television program or as soon as the person achieves a goal in the television program**."

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 1, 3 through 5, 7 through 12, and 14 under 35 U.S.C. § 103 for obviousness based on *Waki* in view of *Orui* and *Trew* is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 6 was rejected for obviousness under 35 U.S.C. §103(a) based on *Waki*, *Orui*, and *Trew*, and further in view of *Slotznick* (US 2001/0055951, "*Slotznick*").

This rejection is traversed. Specifically, claim 6 has been cancelled without prejudice or disclaimer, the rejection thus become moot.

Claim 13 was rejected for obviousness under 35 U.S.C. §103(a) based on *Waki, Orui, and Trew*, and further in view of *Sumita et al.* (US 2003/0100962, “*Sumita*”).

This rejection is traversed. Specifically, claim 13 depends from independent claim 7. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 17 under 35 U.S.C. § 103. The reference to *Sumita* does not cure the previously argued deficiencies in the attempted combination of *Waki, Orui, and Trew*. Accordingly, even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claim 13 under 35 U.S.C. § 103 for obviousness predicated upon *Waki, Orui* and *Trew* in view of *Sumita* is not factually or legally viable and, hence, solicit withdrawal thereof.

New claims 17 through 24.

New independent claim 17 recites similar features to those in independent claims 1 and 7 and, hence, is free of the applied prior art for reasons advocated *supra* with respect to independent claims 1 and 7. New claims 18 through 24 depend from claims 1 and 17 and, hence, are free of the applied prior art for reasons advocated *supra* with respect to claims 1 and 17.

Further, Applicant separately advocates the patentability of each of claims 18 through 24 based on the limitations expressed therein. The applied prior art is silent with respect to the limitations in claims 18 through 24, particularly: automatically displaying at the at least one of

the mobile station and said TV apparatus the information of the person participating in the television program; the control message being sent to the mobile station, and the mobile station then generates another control message and sends the another control message to said TV apparatus (¶ [0025]), sending to the mobile station a reminder message for turning on said TV apparatus, and in response to the reminder message, generating a control message in infrared light by the mobile station to said TV apparatus to turn on said TV apparatus (¶ [0032]); the mobile station storing a list of TV apparatuses and corresponding control signals (¶ [0034]), and the TV apparatuses are located at public and private locations (¶ [0038]); the public and private locations including a private home, a hotel room, a public bar, an airport lobby; charging the user of the mobile station for receiving the information of the person (¶¶ [0038], [0031]). Accordingly, claims 18 through 24 are free of the applied prior art.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9954 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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